

Zionsville Board of Zoning Appeals
June 1, 2022

In Attendance: Steve Mundy, Chris Lake, Andy Pickell, Kathi Postlethwait, Larry Jones

Staff attending: Roger Kilmer, Suzanne Baker and Darren Chadd, attorney.

A quorum is present.

Mundy Welcome to the June 1st meeting of the Zionsville Board of Zoning Appeals. The first item on the agenda is the Pledge of Allegiance. We'll ask the audience to stand and recite with us.

All Pledge of Allegiance.

Mundy Thank you. Um, now that we do not have a secretary named, uh, Roger, I assume that you will play that role this evening?

Kilmer For this evening I'll be glad to do that.

Mundy All right. Thank you. Uh, the next item then would be attendance.

Kilmer Steve Mundy?

Mundy Present.

Kilmer Chris Lake?

Lake Present.

Kilmer Andy Pickell?

Pickell Present.

Kilmer Kathi Postlethwait?

Postlethwait Present.

Kilmer Larry Jones?

Jones Present.

Kilmer Thank you.

Mundy Thank you. The next item is the approval of the May 4, 2022 minutes. Uh, those were included in our packet. Are there any questions or corrections to those minutes? Hearing none is there a motion to approve them?

Lake So moved.

Mundy Thank you Mr. Lake. Is there a second?

Pickell Second.

Mundy Thank you Mr. Pickell.

Pickell Pickell.

Lake Yep.

Mundy You and Mr. Jones sound a lot alike, at least to me. Uh, all in favor please say aye.

All Aye.

Mundy Opposed same sign.
[No response]

They are approved.

Next item are the Continuances. We do have, uh, two continuances. One is the Docket Number 2022-32-DSV, uh, T. Andersen at 401 West Pine Street, Zionsville. Um, there was a request for continuation by, uh, a neighbor that was done in a timely way so that is an automatic approval but I think we still need to go through the approval process. So, uh, if we would have a motion to continue Docket Number 2022-32-DSV.

Jones So moved.

Mundy Thank you Mr. Jones.

Postlethwait Second.

Mundy Thank you Mrs. Postlethwait. All in favor say aye.

All Aye.

Mundy Opposed same sign.
[No response]

That is continued and will be heard at the July meeting and that is July –

Baker 6th.

Mundy 6th? July 6th. Thank you.

Lake Do we need to recognize people on, online.

Mundy Ahh, thank you. Joe, do we have any, any online?

Rust [Inaudible, off microphone, 4:26]

Mundy That's all?

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Rust [Inaudible, off microphone, 4:34]

Lake Okay.

Mundy Okay. Thank you. Uh, if you would waive or signal me in some way if there's an interest in speaking. I can see from about your eyes up. So, yeah. Hand signal would be good. Uh, the other continuance is the, um, last item on the agenda which is Docket Number 2022-35-UV, the Altum Garden Center, their, the noticing was not done and so that too will need to be approved for continuation to the June, July meeting.

Lake So moved.

Mundy Thank you Mr. Lake.

Pickell Second.

Mundy Thank you Mr. Pickell.

Lake/Pickell Pickell.

Mundy I, I got that one. All in favor please say aye.

All Aye.

Mundy Opposed same sign.
[No response]

That is continued to the July 6th meeting as well.

The next item is the, uh, Adoption of the Negative Findings of Fact confirming the Board of Zoning Appeals denial from the May 4, 2022 meeting that is in your packet. Uh, if there are no questions about that we will send one down collecting signatures. Is there a – the one you've got there.

Lake I'll sign it and send it.

Mundy Okay.

Jones I've got it.

Lake We're sending it down. He's sending the official draft.

Mundy Now we have one going both directions now?

Lake Yes. Do we want to go ahead make first class mail notice –

Mundy Yes, yes.

Lake While we're waiting on that?

Mundy Um, uh, as we've done in the past, uh, because of the concern with COVID, uh, some of the noticing has been done by first class mail rather than by registered mail and we have permitted that. It is a deviation from our procedure so we need a motion to continue to allow notice to be done by first class mail.

Jones So moved.

Postlethwait Second.

Mundy Thank you Mr. Jones and Mrs. Postlethwait. All in favor please say aye.

All Aye.

Mundy Opposed same sign.
[No response]

Motion passes.

That brings us to Docket Number 2022-26-SE and 27-DSV, George Booth, are they, are you the Booths? Are you representing yourself?

Booth Yes.

Mundy All right. If you would come to the podium please and give us your name and address. Again, if you'd state your name and your address and then tell us what you are, would like to have reviewed this evening.

Booth Name is George Booth, uh, address is 10845 Cedar Ridge Lane, Indianapolis, Indiana 46278. We are requesting to take farmland and divide it into three lots, uh, to make it a family homestead for our two children and ourselves, as you can see on the preliminary drawing I had done showing what the three lots would look like. And then we also need a variance, uh, to meet the 1.5 to 3x length x width on the property, on the one lot.

Mundy So you are taking a plot of ground, dividing it into three individual lots and, uh, that requires a, a variance to divide the land and then also one of the lots will not meet the 3:1 depth to width ratio –

Booth That's correct.

Mundy And that's it. Okay. Are there any questions for the petitioner?

Lake You understand that when you do this you're going to have to sign the Right to Farm Act? Are you aware of that?

Booth No.

Lake So the Right to Farm Act states that agricultural, uh, business may happen around you and you don't have the ability to petition against that because it is agricultural land essentially.

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Booth That's fine.

Lake All right.

Booth Thank you.

Mundy Any other questions? Are there any remonstrators here that wish to speak for or against this petition?

Tobin I live right next to the site.

Mundy We'll, we'll need to have you come and give us your name and address please and, and your, whatever statement you'd like to make.

Tobin My name is Mark Tobin. I live at 7935 East 100 South, Whitestown, Indiana 46075. Um, I have absolutely no problem with what they plan on doing. I mean the house next door was trash and it burned down January 9th, uh, the area is overgrown, it's been basically for the best term abandoned for five years, I mean, people have lived there but not kept up. I'd much rather see something like that go in than Whitestown developers come in and start throwing God knows what in. I'd rather have three houses there and I'm good with it.

Mundy Okay. You are next door? Is that correct?

Tobin Next door, yes.

Mundy All right.

Tobin Right next door.

Jones Are you the small lot that's kind of getting wrapped around on the two sides?

Tobin Look – I'm right here.

Mundy You're, you're that little cutout.

Tobin Yes.

Mundy Okay.

Tobin That actually used to be part of it until the '70s.

Mundy Thank you.

Pickell Very good.

Mundy Anyone else like to speak for or against this? Yes ma'am.

Owens Sally Owens. I'm at 1075 South 775 East and my, the back of their property will abut up to my property and what concerns me is I had to put in a new well when I moved there and now suddenly there's going to be three houses there. So I'm

concerned about water issues. And I'm also concerned because I can't tell from the drawing but it almost appears that one of the houses it's going to be right behind my house and so it's kind of like we've got 10 acres and I don't mind meeting with them but, I mean, they got 10 acres it's like does the house have to really be directly across from mine? And like I said, I don't know, uh, I can't really tell from this but those are my only concerns is, uh, draining my well because we're all pulling from the same water source and now suddenly there's going to be three others. But I also agree with Mark, anything is an improvement over what is there now. Um, so really that's all I have to say is, is, you know, maybe if they could kinda maybe rearrange one of their houses so that my back door isn't going to be right on top of their back door, um, because I do live in the country and I'd kind of like to continue living in the country.

Jones And, Miss, your house is, you were, is it 107?

Owens Um, 1075 South 775.

Pickell That's 1075 is 107 –

Jones Ah, okay, I got it.

Mundy So which, which of the three, uh, these are, it's shown as lots 1, 2 and 3.

Postlethwait She's on lot 1.

Lake She's off to this side over here.

Mundy She is lot 1?

Postlethwait Lot 1.

Pickell She's like right here.

Mundy Okay, so you and you're, you're house is facing west, is that correct?

Booth That's the middle one. Is your house next door?

Owens Well I'm the only one out here.

Booth Yeah.

Owens I mean I'm on 775 so where's 775 on this?

Booth [inaudible, off microphone, 14:01.]

Owens [inaudible, off microphone, 14:05.] I'm not there. So I don't know how far off of 100 I am.

Postlethwait So may I ask, is there – I assume there's an exist, existing well on that property from the original house?

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Owens On mine?

Postlethwait No on the property the, the 10-acre parcel. I assume there's a well there from the existing previous, previous house.

Booth I am told –

Mundy Would, would you step to the, so you're speaking in the microphone please?

Booth Sorry.

Mundy Thank you.

Booth I am told there's a well. I have not found it. Looks like, uh, Mark –

Postlethwait So my question would be if there's a well, are, is it your intention to put in separate wells for each of the residences which you'd be putting in? Three wells, one for each of the separate houses and –

Booth Yes. I don't – not knowing where the existing well is and how deep it is, uh, my plans are to put in three new septic fields and three new wells.

Tobin Um.

Mundy Once again would you state your name.

Tobin Mark Tobin.

Mundy Thank you.

Tobin Um, there is a well there but it's only about 80 feet deep, the water is junk, it's full of methane and iron and sulfur. My well is 180 feet deep, um, I'm imagining Sally's is about the same and, but I'm not too concerned about it. I'd be more concerned about the Faerber's well what they drilled and they've now flooded a field to make a duck pond which is on the corner of 800 and 100 on the, what would be the, uh, northeast corner. So, I don't have a, I don't really think the, the drains it, it will be that big of a deal. Uh, I just know that they'll have to drill at least 180 feet deep.

Mundy Thank you. Any other individuals who'd like to speak? Anyone online?

Rust No.

Mundy None online. Any further questions from the Board members? Do you have any, any knowledge of a water table there, um, uh, you're in the process of purchasing but doing this first, is that correct?

Booth Yes, that is correct. The only thing I have done was had a soil analysis done to make sure I would be able to, uh, put in a septic system without any issues and that's the only thing I've had done.

Lake Okay.

Postlethwait I think you can get information about your well, isn't it the Boone County Health Department that has that information on when wells were dug and what the depth is and so on. I mean, at least I can, that's how I found out about my well, that's the only reason I'm saying that. So do I understand that you are thinking that this is possibly two houses but maybe three houses, is that right?

Booth No.

Postlethwait No?

Booth I am looking at three homes and as I mentioned, this drawing, uh, I did in my office so it's preliminary as far as dimensions, uh, where houses will be located. There is an existing building on lot number 2 and my intent was the house on lot number 2 to be next to that building, the pole barn.

Mundy And the house location on lot number 1 could be different than this, um, and, is there, um, something that is specific about where you position this? I'm asking that just because the neighbor there to the west is concerned about being next door to another home.

Booth My intent, um, when the houses are designed, I will have an engineer out of Boone County or Hendricks County, whichever I have to use, to lay everything out with the septic fields. It's also my intent to take the property and down each side I am going to have trees to give us privacy on that 11 acres or almost 11 acres and then in the front mound with trees with three separate driveways into each lot.

Mundy And if the proposed location for a house number on lot number 1 were to be adjacent to, uh, that looks to me like there's still a fair amount of space there between, um, where her house is located but that could be adjusted to accommodate, uh, the fact that, you know, you may be right behind the back of her house.

Booth Um, I, I don't want to commit and say yes I will do that. Uh, I'm going to have the privacy because of the trees that I'm going to put down the side of that lot but her particular house sits fairly close to the road, if, if my memory serves correct. It looks like it may be back 50 yards and then there's her house. From what I've looked at on this property because of all the trees up front and where this particular septic system would be on lot number 1 is up towards the road. The house is going to be set back. Without being there next to her house and where they lay it out, it may be right next to hers or it may be set back some. I don't know that it'll be an issue for her with the trees, uh, pine trees that we're going to put clear down the property line to the fence line to give us privacy.

Lake It looks like the house is probably 80 foot off the property line as it stands today which is well past what's required.

Mundy Oh, yeah, there's no question about that, so.

Lake Yeah.

Mundy All right. Thank you.

Booth Uh huh.

Mundy Any other questions for the petitioner? Could we have the staff report please?

Baker Yes. The petitioner did a good job summarizing the request. Um, as to summarize even more, um, this existing lot is zoned ag and has an existing home on it. Um, wanting to demolish the home and put three home sites on the property. Um, with the configuration, um, lot 3 would not meet the 3:1 width to depth ratio. There was, there is a way they could meet it but then to shorten it but then the lots wouldn't be configured, I would say nicely. Uh, so staff is in favor of, um, all the requests for the Special Exceptions as well as the DSV for the, uh, 3:1, um, width to depth. I will, just because I want clarification, um, there was mention of maybe doing two homes on the site, um, and just wanted, obviously asking for the three, um, but having that flexibility if there were two. But if that's not the case anymore then I'll just, we don't have to worry about that. As well as the setbacks required and I believe I talked to the petitioner about what the setbacks would be required and they would be 40 feet, um, from all property lines. Um, but staff is in favor of all the requests and happy to answer any other questions.

Mundy Any questions for staff? And question Mr. Booth – the three-lot division is certain? The material we received said that there was the possibility of two lots so you're, you now determined it will be three lots?

Booth My goal is to have three. If I'm denied the three and we have to do two that's for consideration for us but my goal is to have the family there, both kids and ourselves.

Mundy Okay. Any other questions for staff or the petitioner? Hearing none is there a motion on – there are two different ones – the Special Exception and the Design Standard Variance.

Lake So I move that Docket Number 2022-26-SE, a Special Exception Petition in the Agricultural District for the property located at 7881 East 100 South for a division of land to create a residential minor plat and for new residential homes, quantity of three to be permitted in an Agricultural Zoning District (AG) and related accessories be approved based upon the staff report and the proposed Findings as presented, uh, noting that the petitioner will have to execute the Right to Farm acknowledgement documentation.

Jones Second.

Mundy Thank you Mr. Lake. Thank you Mr. Jones. All those in favor please say aye.

All Aye.

Mundy Opposed same sign.

[No response]

That motion passes. And for the second part –

Lake So I move that Docket Number 2022-27-DSV, Development Standards Variance to provide for the proposed lot to exceed the 3:1 lot width to depth ratio for the property located at 7881 East 100 South in the Rural Agricultural Zoning District (AG) be approved as filed based upon the Findings of Fact and substantial compliance with the submitted site plans and concepts.

Mundy Thank you Mr. Lake. Is there a second?

Jones Second.

Mundy Thank you Mr. Jones. All those in favor say aye.

All Aye.

Mundy Opposed same sign.
[No response]

That motion passes. Thank you Mr. Booth. Good luck with your project.

Booth Thank you.

Mundy The next item on the docket is, uh, Docket Number 2022-28-DSV, uh, A. Bonvino, 11556 Walton Crescent Drive in Zionsville. Petition is to provide for a pool which exceeds the allowable lot coverage in the Urban Single-Family Residential Zoning District (R-SF-2). Would you come to the podium and are you Mr. Bonvino?

Bonvino Yes.

Mundy And would you tell us about what you would like to do please –

Bonvino Um.

Mundy With your name first.

Bonvino Alberto Bonvino. Uh, is at 11556 Walton Crescent, 46077. Uh, we actually requested to increase the percentage. Uh, we do it right now 18.7% so we would require actually 25.7, I believe. The, the actually the, the company is, who wants to build the pool I think they're on, um –

Mundy Online?

Bonvino Yeah, supposed to be online.

Mundy Okay.

Bonvino Just in case, just in case you have tech, technical questions about it.

Mundy All right.

Bonvino So that's what we basically would like to request.

Mundy So you will be, uh, the inclusion of the pool will put you over the 20% limitation on lot coverage and this would take it to 25%, 25 point something percent? Okay. Any questions for the petitioner? Seeing none are there any, is there anyone here who would like to speak for or against this petition? Anyone online? Is this the – we just had a shot of a, a person there. Was that the person –

Bonvino Yeah, yeah that's the guy.

Mundy To set up the pool?

Getchell I'm in favor.

Mundy Uh, hearing none could we have a staff report please?

Baker Yes, um, the petitioner is requesting, uh, to increase the lot coverage to 25% to accommodate the pool. Um, currently, I believe, the resident is lot 1 of Oxford Woods and it's currently under construction. Um, I think based on, um, surrounding properties and other similar requests, staff is in favor of, of this. I'd be happy to answer any questions.

Mundy Any questions for staff?

Jones Um, the one exhibit we have in here lists the lot coverage of 28%. What's the –

Baker And I think I verified that with the petitioner and the, the pool company, um, I think they were counting the driveway –

Getchell Yeah.

Baker Lot coverage. Because I saw that too and I was like, but when you deduct that that lot, that coverage you get the 25%.

Postlethwait So the petitioner has, has decided to not use permeable materials, is that right, in order to gain some benefit from having those—

Baker Correct, yeah. From what I understand, it's, they're proposing just concrete.

Postlethwait Concrete.

Baker As the pool deck in the patio area. We could allow for 2%, uh, for pervious, I mean impervious material.

Postlethwait Have you eliminated that as a possibility to help with the percent of lot coverage if you use, um, permeable materials you can get a 2% kind of a benefit?

Bonvino Would be the question for –

Postlethwait Okay.

Getchell No, um, it's, it's, it really comes down to a budget. Um, you know, right now even with just his home with what lumber and, you know, everything is so inflated that you're looking at, you're going from a concrete pool deck which is around \$10 a square foot to something permeable that's probably upwards of 30 bucks a square foot.

Mundy I think the other element that, that I'm repeating this from other meetings but there is a certain amount of concrete which must be poured around –

Postlethwait Right, oh yes, yeah.

Mundy A pool. Um.

Postlethwait Oh sure. You want it to stay there.

Mundy Exactly.

Getchell And I don't think he's, you know, I don't think he's asking for, it's not excessive. He's doing a very minimal, um, pool deck. He kind of wants that yard coming up to the pool so it's not, uh, excessive amount of concrete. It's just, it's a fairly small lot and that's a fairly small, um, from what we've seen in other municipalities, that percentage is a little bit low at 18%, 20% because a lot of what we're seeing in like Carmel or Westfield were upwards of like 30, 35%.

Mundy Thank you. Any other questions? Seeing none, uh, is there a motion put forward?

Jones Uh, sure. I move that Docket 2022-28-DSV, Development Standards Variance to provide for an increase of lot coverage up to 25.9% for the construction of a pool and concrete deck for the property located at 11556 Walton Crescent Drive in the Urban Single-Family Residential District (R-SF-2) be approved as filed based on the Findings of Fact and substantial compliance with the submitted site plans and concepts.

Mundy Thank you Mr. Jones.

Pickell Second.

Mundy Second was Mr. –

Pickell Pickell.

Mundy Pickell. Thank you. All those in favor say aye.

All Aye.

Mundy Opposed same sign.
[No response]

Motion carries. Good luck with your project Mr. Bonvino.

Pickell You're welcome.

Getchell Thank you.

Mundy The, uh, next item on the agenda is Docket Number 2022-29-DSV, Chase Bank at Appaloosa Crossing, 10701 East 300 South in Zionsville. I take it you're the representative who will be speaking about this?

Sawyer Yes I will, um, I'll bring up a brief presentation if that is okay with the Board.

Mundy That's fine.

Sawyer Good evening members of the Board. My name is Liam Sawyer. I am from Kimley-Horn & Associates located at 250 East 96th Street, Suite 580, Indianapolis, Indiana 46240. I am here tonight representing – the petitioner is Bob Harris. I am representing Tech Architect and Chase Bank, uh, for the Chase Bank Appaloosa Crossing project and the case number as you stated is 2022-29-DSV.

So if I get this to you, slide over. Uh, just a brief background of the project. Up on the screen right here is the location as I said or as the name gives away, this is part of the Appaloosa Crossing development on the, uh, southeast corner of Michigan Road/421, um, County Road 300 South or 146th depending on who you're talking to on what day. We are looking at what is currently outlot A which I'll say is the, kind of the hard corner of Michigan and 146th. It's the northwestern-most portion of the site as you can see, I've highlighted the, uh, project location there. And then we're just to the north of the shops at Appaloosa Crossing that are currently under development or under construction. So just a quick development summary, the development acreage of outlot A is roughly 2.26 acres. The bank portion if this gets approved will be coming back for a replat and development plan will take up roughly the western 1.13-ish acres. And then the current zoning is Rural General Business and then we're also a part of the Michigan Road Overlay. Uh, the building square footage is just shy of 3,500 square feet. And then, as I, the name again gives away, it is a bank. And then we're looking at roughly 34 standard parking spots with ADA parking.

So on the screen here is just briefly the currently proposed site plan. Uh, there is a right in off of 146th that is being designed by Greg Snelling as part of the Appaloosa Crossing project and is, um, kind of within, I believe, Strongbox's court there. But then we will be installing a private drive to provide access to the bank site and also, um, meet up with the shops to the south. As you can see, the bank kind of sits in the middle of the site with parking to the north and then also parking to the west and then to the south there is a drive-up ATM. That is not a drive-up window, it's not a pass-through window, it's just an ATM and a [Inaudible, 34:51] and then a pass by lane to the south, um, as well for larger vehicles and then also just general circulation. So that's the site plan.

Just a quick overview of the petition request, um, our request. As part of the Michigan Road Overlay District there is a required 6-foot parking lot perimeter

planting in front of and on the sides of all parking directly along Michigan Road. Our request is for that to be removed for this. And I won't read exactly what we said in our Findings of Facts but I'll kind of give the brief overview. Um, we don't believe or it will not be injurious to public health because there's already a 30-foot buffer that's part of the Michigan Road Overlay and then there's an extra 6-foot that's required. Um, in that extra 6 feet, there's roughly 30 shrubs per the code that we would need to put in there. Um, and the next slide will be our landscape plan but we're still putting shrubs and trees in front of this parking. We're also including the 30, um, required shrubs per the code, um, some of them in that area and then the rest kind of, um, redistributed throughout the site, actually in kind of a specific location that we think is advantageous for more screening. And we don't think or, um, the [Inaudible, 36:13] of the area adjacent to the property will not be affected. Um, the shops to the south and then the development farther south of that, they both, we came before this same Board and requested the same exact variances because they both had parking along Michigan Road. So we're really kind of brought into continuity within it, um, basically matching the parking lot up Michigan Road and we really feel like that will be a good look for development.

And then the strict applications, um, we believe is a hardship because really Chase needs this parking to make a profitable business. It's also important to have visibility as you're coming up Michigan Road to see some parking there, um, along that road. If we had to give the 6 feet up we're going to have to lose I think it's, actually I know it's only five stalls there so Chase Bank would have to lose that five stalls and that kind of puts the development in their eyes at risk not only from business operations but also in marketability of the building. And then here is the landscape plan that I was talking about, kind of this red box to the northwest there is what I'm talking about. You can see we still have shrubs and then three, I believe, deciduous trees in front of it. And just, we don't have that extra 6 feet that's required by code and that's what we're requesting a variance on. But we're also redistributing, um, those 30 shrubs and everything required per code basically all down in the southern red box there and that's basically in the island that separates the drive-up ATM lane. And then our south lane we believe by kind of redistributing the plants here may provide some better screening to the ATM, um, and just kind of provide a continuous screening of this [Inaudible, 38:03] standard to the south. And then finally a brief statement just, um, Suzanne will go over this in a second but an expert, an excerpt from the staff report, um, staff recommends approval of the Development Standards Variance for removal of the requirement of the 6-foot parking lot perimeter area with the landscaping to be allocated to other areas of site as depicted on the landscape plot, plan filed with this docket. Um, that's the end of my presentation but I'm happy to ask or answer any questions you might have about the petition.

Mundy Thank you. Any questions for the petitioner's representative?

Postlethwait I do have a, this may be a very simplistic, uh, and excuse me if it does appear to be so, but it hasn't occurred to you to move the, your plans 6 feet to the east in order to accommodate the additional 6 feet of, of landscaping, I assume? I mean, this is a 2.26-acre parcel of ground, right? And so, I mean –

Lake 1.3 something for this –

Postlethwait Yes –

Lake This specific –

Postlethwait Right, I understand.

Sawyer So there's a few factors at play there. Um, there is, I believe, as part of the commitment standard for the overall Appaloosa Crossing that there could be no outlots less than 1 acre exactly so we're kind of coming up exactly the edge of we're taking one outlot for the bank. What will be leftover to the east there for the other outlot for another development, we're leaving 1.01 acres that will be shown on the repla. So by moving that property line any further to the east we would then be violating a different portion of the commitments made with the Appaloosa Crossing, then we would have to come back and try to modify those commitments so we're kind of constrained to the east as well. And then within our site plan we have the private access drive and you also have setbacks off of that access drive and just kind of with the building massing that Chase needs for their operations, we're pushing up, we don't have the 6 feet to get our drive-thru lane or our drive-up ATM lane and that required setback would go within that setback and then we'd be getting a variance on the other side there. Hopefully that explains that.

Jones And so Chase really wants to have the 34 parking spaces because wouldn't something like this typically need about 14? Like 4 per 1,000? Or does a bank get a higher?

Lake I, you know, I don't know what a bank would require. I would tell you that nobody goes, physically to a bank anymore. So –

Jones Well, I –

Lake You, you wouldn't need very many parking spaces but –

Pickell 34 seems like a lot.

Lake Yeah, I mean for historic sake, um, there have been multiple other projects along, along Michigan Road in Appaloosa Crossing that have all received this same –

Jones Correct.

Lake Waiver, with the understanding that the plants are getting displaced in an area that makes more sense.

Jones Makes more sense.

Lake It doesn't make it right, wrong or indifferent, just –

Jones It's just the nature of what we've done.

Lake Yeah, for our two newer members, over the course of the last, you know, 16 months –

Jones But the, the bank, but the bank really wants to have those 5 spots out there?

Sawyer Yes they do. It's um, I'm not going to claim to be an expert at bank operations they're kind of marketing but it is their opinion that kind of it's again two-fold. You always want to have more parking than what's likely needed to just kind of operations there and then also having some view of parking on Michigan Road is important from a marketing standpoint of just driving up and seeing parking available there, um.

Lake I will say, Larry, this is the first time we've had a petitioner say that they should have more parking than, than they think.

Jones I, I'm just –

Lake We're normally getting somebody asking for about one-eighth of what is required.

Jones I do this, I do this as an opportunity to learn something up here so I just want to make sure I'm not thinking wrong because that's what we typically don't hear, so.

Sawyer I'd say that I'd agree with that. They might be my only client pushing to get more parking, usually it's them.

Postlethwait Well I think he's also mentioned marketability of the building –

Lake Yeah in the future.

Postlethwait It may not always be a bank.

Lake Yeah.

Postlethwait It may turn out to be a disco or something –

Pickell This becomes a, uh, coffee shop or something.

Lake If it became a restaurant in the future.

Jones I knew what you were talking about. I'm thinking, ahh, I was with ya.

Lake If it became a restaurant in the future it would absolutely need that much more parking so.

Jones Right.

Postlethwait The other question I would have for staff perhaps is why is there this redun – what I would call redundancy between a 30-foot, um, required, um –

Pickell Offset.

Postlethwait Offset, thank you and the 6-foot? I mean, in other words, it seems to me that there's a certain amount along Michigan Road and is there a grading factor or is it about security?

Jones No, I, I think the way the best – or can you answer the question?

Kilmer I'd be glad to answer that question. This, this site is also subject to the Michigan Road Overlay and within the Michigan Road Overlay requirements, it specifies that there will be a 30-foot buffer yard along any frontage of, of Michigan Road. But if any project does propose parking between a building and Michigan Road, the ordinance states there's an additional 6-foot requirement of planting area. Uh, as the first projects of Appaloosa Crossing came in and, and this is the sixth outlot to be presented, uh, to address this question. It was, I won't say it's been determined but on each individual case it has been decided that the additional 6 feet, someone driving along Michigan Road is not going to be able to notice the difference between a 30-foot buffer and a 36-foot buffer. And the other, the previous requests had very similar situations where they needed that space and it was successfully argued by those petitioners to remove the required 6-foot width as long as the plantings that would be required to go in that area were reallocated to other portions of the site, which, which is consistent with what this petitioner is asking.

Postlethwait I see. Thank you.

Mundy Any other questions for the petitioner? And online, Mr. Rust?

Rust No.

Mundy Okay. Could we have the staff report please?

Baker Yes and I think both petitioner and Roger did a good job pretty much summarizing everything I was going to say, um, but, um, like petitioner said, there's a 36-foot buffer requirement with the parking along Michigan Road Overlay. But then, uh, previously along Michigan Road and they are, um, taking that required landscaping and putting it, um, other places on the site. Um, so with, with that staff is in favor of, of this request. I am happy to answer any other questions.

Mundy I have a question really not related to that but the, the 30-foot, um, buffer that is built into the Michigan Road Overlay, is that, um, based on the fact that it is a busy road and that at some time in the future it may be four lanes rather than two or? I mean, what's – it's a curiosity question. This has nothing to do with the petition really.

Kilmer Again, Michigan Road, as I'm sure you're well aware, is going to be a state, state, um, government right-of-way and they have required, forgive me I'm drawing a blank on the specific half right-of-way that they are requiring but this 30 feet is in addition to that –

- Mundy Ahh.
- Kilmer Right-of-way that, that INDOT is requiring and within that 30-foot, um, uh, buffer yard that or, buffer yard that, that the Town requires within that strip will be the recreational path that is required that will be connecting all the way up north and south along Michigan Road and then also bending um, uh, eastward along County Road 300 North or 300 South I should say.
- Mundy Thank you. Any other questions for staff? Hearing none is there a motion?
- Lake I move that Docket Number 2022-29-DSV, Development Standards Variance for the removal of the requirement of a 6-foot-wide parking lot perimeter planting area with the landscaping to be allocated, uh, to other areas of the site as depicted on the landscape plan be approved as filed based upon the Findings of Fact and subject to the proposed commitments.
- Mundy Thank you Mr. Lake. Is there a second?
- Postlethwait Second.
- Mundy Thank you Mrs. Postlethwait. All those in favor please say aye.
- All Aye.
- Mundy Opposed same sign.
[No response]
- Motion passes. Thank you.
- Sawyer Thank you members of the Board.
- Mundy Next item is Docket Number 2022-30-SE, Marburgers and it is at, um, 11634 East 100 North, Sheridan, Petition for a Special Exception to provide for a Single-Family Dwelling and a related accessory on a parcel in the Rural General Agricultural Zoning District (AG). Welcome and if you would, uh, state your name please and then, uh, even though it's only been a few months since we last saw you, if you would just give us an overview of your plan.
- Thompson Sure. Uh, good evening members of the BZA. My name is Mitch Thompson. This is my wife, Kim Marburger. We currently live at 10907 Pleasant View Drive in Carmel, Indiana 46033. Uh, we are requesting, back before you to request a Special Exception on, uh, family land to extend future care to our parents, uh, Kim's parents, in particular, uh, the livestock and take care of the overall parent parcel that this would be a part of. Um, our parent property is approximately 100 acres. It's owned by her father, Ron Marburger, and we are proposing to carve out about 9 acres, uh, to build a single-family dwelling on that property. Um, it meets the 40-foot setback requirements and the 3:1 lot ratio. Um, we've provided the proper notice to the media, um, posted signs and letter to the neighbors. We received a couple of phone calls in, of support from the neighbors to the north of the property site. Um, we're aware of the Right to Farm

provision and agree to that, uh, as our property is a farm there. Um, we're aware of the Airport Study, uh, this is, that's been adopted by the Town of Zionsville and, uh, this particular carve out is in the Tier 4 which does not require any specific, uh, change. Um, the staff report has recommended approval and we're happy to answer any questions that you may have.

Mundy Thank you. Any questions for the petitioners? Is there any remonstrators here that wish to speak for or against this petition? Anything online?

Rust No.

Mundy Thank you. Hearing none could we have the staff report please?

Baker Yes, um, so the petitioner explained, um, this is, um, we've seen this property back in April. Um, the proposed lot was in Tier 1 of the Airport Study. Um, they have since moved it to a new location on the 100 acres which is now in Tier 4 which has no residential restrictions, um, and staff felt that since it was a substantial change, um, to allow a re-filing within a year. Um, with that said, um, it seems to meet all the other development standards and staff is in favor of, of this request.

Mundy Thank you. Any questions for staff? Any further discussion amongst staff? Hearing none is there a motion?

Jones Uh, I move that Docket 2022-30-SE, a Special Exception Petition for the property located at 11634 East 100 North, Sheridan in the Rural Agricultural Zoning District be approved based on the staff report and the proposed Findings as presented. Uh, if approved, it shall be required that the petitioner execute the Right to Farm Acknowledgment documentation.

Postlethwait Second.

Mundy Thank you Mr. Jones. Thank you Mrs. Postlethwait. All those in favor say aye.

All Aye.

Mundy Opposed same sign.
[No response]

Motion carries. Thank you.

Thompson Thank you.

Marburger Thank you.

Pickell You're welcome.

Mundy Next item on the agenda is Docket Number 2022-31-DSV, the Smiths at 90 North Sixth Street in Zionsville, it is a Petition for a Development Standard Variance to provide for a detached accessory building which would: 1) Deviates from the side yard setback; 2) Deviates from the aggregate side yard setback; 3)

Deviates from the required 10-foot distance between two buildings; 4) Exceeds the allowable height for an accessory building being taller than the primary structure; and 5) Memorialize and increase the size of the existing driveway which deviates from the side yard setback in the Urban Village Residential Zoning District (R-V). You are the Smiths?

S. Smith Yes.

Mundy If you would give us your name and your address please and then give us an overview of your project.

S. Smith Very good. This is Kim Smith. I'm Steve Smith. We live at 90 North Sixth Street, uh, here in Zionsville. Uh, the project, we actually remodeled the existing home that's there today back in November of 2020, um, we took a small, basically 1,000 square foot home and expanded that and improved that particular home. At that time we had a single-car garage that was part of that structure. We had applied during that construction phase to basically take that garage and add a second bay to it but, um, the reason we're here today is we started tearing that down and the footers were just not there and we felt that it would be best to just start all over. So, we removed the footers and thought we need, we needed to come back here and apply. So, we're looking at putting a, basically a 23-foot x 22 foot, uh, square foot, 22 feet deep by 23 feet wide, two-car garage very close to where it was before but we've, uh, and then put a little bonus room on the top for, uh, a home office environment.

Mundy Thank you. Any questions for the petitioner? I just wanted, you, you said this is very close to where the remodel of the garage was to occur?

S. Smith Yes.

Mundy Uh, and I don't recall now what side yard setbacks at that time with the remodel. Did they also exceed or, uh, enter into the five yard in the aggregate setback?

S. Smith Uh, yes they did.

Mundy When you remodeled?

S. Smith Yes. We, the new garage that we're proposing actually on the south gives us, uh, a little bit like approximately 6 more inches set, setback now the new proposed garage and we pushed it 5 feet back into the yard, the actual face of the garage, so we'd have a better access into, between the home and the garage.

Mundy And the second story is also an addition to what was originally approved in the remodel, is that correct?

S. Smith Yes, that is correct.

Mundy If there are no questions for the petitioner, do we have any remonstrators here who wish to speak for or against this petition? Nothing online. All right, thank you. Hearing none could we have the staff report please?

Baker Yes, um, as the petitioner stated, they, um, were, came to the BZA I think back in 2020, um, to remodel the detached garage, um, and I read it, I think it's the aggregate and the side yards the request at that time. Since then, they, they realized they have to reconstruct the entire structure, um, and I think, as they stated, um, they're making it a little bit wider and adding a second story. Um, so with that comes the, the four variances for the side yard, um, the aggregate, um the 10-foot distance between structures, the residence and the detached garage, and then the height, um, being taller than the primary. Also, um, just memorializing the existing driveway setback, um, since they're making that slightly larger as well. Um, with all that, um, staff is in favor of all the requests and happy to answer any other questions you may have.

Mundy Thank you. Are there any questions for staff? Hearing none, is there a motion?

Jones I'm just going to start making all of them? All right.

Lake Go for it.

Mundy It's a long one. You may need a water break.

Jones Do I get a break here? All right. Uh, I move that Docket Number 2022-31-DSV, Development Standards Variance to provide for the deviation from the side yard setback to 3-foot 1 inch for the construction of a detached garage for the property located at 90 North Sixth Street in the Urban Residential Village Zoning District (R-V) be approved as filed based on the Findings of Fact and substantial compliance with the submitted site plans and concepts.

Mundy Thank you Mr. Jones. Is there a second?

Pickell Second.

Mundy Thank you Mr. Pickell. All those in favor say aye.

All Aye.

Mundy Opposed same sign.
[No response]

Motion carries. Thank you.

Jones Okay. I move that Docket 2022-31-DSV, Development Standards Variance to provide for the deviation from the aggregate side yard setback to 9 feet 9.5 inches for the construction of a detached garage for the property located at 90 North Sixth Street in the Urban Residential Village Zoning District (R-V) be approved as filed based on the Findings of Fact and substantial compliance with the submitted site plans and concepts.

Postlethwait Second.

Mundy Thank you Mr. Jones. Thank you Mrs. Postlethwait. All those in favor please say aye.

All Aye.

Mundy Opposed same sign.
[No response]

Motion carries.

Jones Okay. I move that Docket 2022-31-DSV, Development Standards Variance to provide for the deviation from the 10-foot distance between two buildings to the 5 feet for the construction of a detached garage for the property located at 90 North Sixth Street in the Urban Residential Village Zoning District (R-V) be approved as filed based on the Findings of Fact and substantial compliance with the submitted site plans and concepts.

Mundy Thank you Mr. Jones. Is there a second?

Lake Second.

Mundy Thank you Mr. Lake.

Jones Do we need to add the procedural note to that piece?

Mundy Uh, we do need to add that yes, uh, I think that that can be done at the end. I'm not sure that that needs to be done with each of the motions.

Jones Not with each of them. This is the one that applies to the building being within –

Postlethwait Separation.

Jones The separation of buildings.

Mundy Oh, yes, right. We will need that, that's correct.

Jones Okay. So it also says as a procedural note, if the variance request for the separation of less than 10-foot distance between the two buildings is approved, this shall conform to the additional construction standards as required by the Indiana Residential Code.

Mundy Thank you Mr. Jones. Now, is there a second to that motion?

Lake Second.

Mundy Thank you Mr. Lake. All in favor please say aye.

All Aye.

Mundy Opposed same sign.
[No response]

That motion passes.

Jones Anybody else want to get in on this fun?

Lake Sure. I move that Docket Number 2022-31-DSV, Development Standards Variance to provide for a deviation for the maximum height of an accessory structure to 20 foot 11 inches which is taller than the primary residence for the construction of a detached garage for the property located at 90 North Sixth Street in the Urban Residential Village Zoning District (R-V) be approved as filed based upon the Findings of Fact and substantial compliance with the submitted site plans and concepts.

Jones Second.

Mundy Thank you Mr. Lake.

Jones Second.

Lake Larry seconded.

Mundy Thank you, thank you Mr. Jones. All those in favor please say aye.

All Aye.

Mundy Opposed same sign.
[No response]

Motion passes.

Lake I move that Docket 2022-31-DSV, Development Standards Variance to provide for memorialization of the existing driveway which is less than the required 5-foot setback to 3 foot 1 inches, uh, at 90 North Sixth Street in the Urban Residential Village Zoning District (R-V) be approved as filed based upon the Findings of Fact and substantial compliance with the submitted site plans and concepts.

Mundy Thank you Mr. Lake. Is there a second?

Pickell Second.

Mundy Thank you Mr. Pickell. All those in favor please say aye.

All Aye.

Mundy Opposed same sign.
[No response]

That motion passes. I will, you've seen the staff report. The, the procedural note that Mr. Jones mentioned you're aware of that?

S. Smith Yes sir.

Mundy Very good. Thank you. Best of luck with your project.

S. Smith Thank you very much.

Mundy Next item on the Docket is, uh, Petition Number 2022-34-DSV. Mr. Andreoli are you representing the petitioner?

Andreoli I am, um, Mr. President. For the record, Mike Andreoli, 1393, uh, West Oak Street. I represent the Shertzers who live at 1115 Williamsburg Lane in Colony Woods. Uh, they are seeking a, uh, a variance from Development Standards tonight. Mandated by your ordinance, the combined areas of the accessory structures may not exceed 50% of the finished floor area of the main structure and, uh, in, in, in order to, uh, comply with the proposed, uh, new addition that's being built, we will need a, a variance from Development Standards, uh, to about the tune of 1,000, uh, 1,000 square feet with regard to the garages being added on. This, this, as we're seeing, and, and not just limited to the Village, a lot of the, uh, a lot of the homes in, in some of the older subdivisions, Colony Woods being one of them, uh, are starting to transition with some of their houses with regard to, uh, renovations, uh, as people, uh, find the neighborhood desirable and want to live there and rather than move to a bigger house we've seen that they could expand. The advantage that we have with regard to this particular property, it's on a 0.73-acre lot so the lot itself is fairly large by some of the standards that, uh, that you're confronted with today with regard to setbacks and variance from development standards, uh, particularly in the Village itself so it's, it's a large lot. And, uh, the Shertzers need the additional garage space. The house when it was originally built has, has the basic design where the garage is, uh, in, you drive into the garage in the bottom and then they have living quarters in the top. You don't see much of that much, uh, anymore now, uh, with regard to houses but that's, that's the way this was laid out. That will continue to be used as garage space but they're proposing adding in addition to a patio and an additional garage that will house, uh, additional vehicles. The Shertzers have kids. They're simply out of room at that particular location with regard to being able to put vehicles, uh, uh, outside of the driveway and in the, in the garage space. So, I'm sure Jim has had an opportunity to talk with his neighbors about it, uh, but, uh, and he should be online to the extent you have any questions. I did bring, uh, the gentleman from R&G Construction. Both Revercombs are here tonight to answer any of the construction, uh, details. It's going to be a very nice addition. Uh, the Shertzers want to remain in the area and love the neighborhood and think this will, uh, this will suit them now for the, uh, foreseeable future with regard to the kids that they're going to have driving. And that's, that's, uh, that's simply put why they're needing the, uh, variance itself.

Mundy Thank you Mr. Andreoli. Are there any questions for the petitioner's representative? Did you say that they have been able to speak with the neighbors or have not?

Andreoli I, I would anticipate, uh, I suspect if any of them have any trouble they'll be here tonight or online but, I, I would, I made that suggestion that it's always a good idea to speak to your neighbors. Knowing the Shertzers, I'm, I'm sure that they did but Jim may be online and that may be an appropriate question to ask him to make sure that you're comfortable with that Mr. President.

- Mundy Thank you. Any other questions for Mr. Andreoli? Are there any remonstrators here this evening to speak for or against this petition? Anything online?
- Rust No.
- Mundy No? If there are no questions for the petitioner can we have the staff report please?
- Baker Yes, um, as Mr. Andreoli stated, um, the petitioner is requesting to do a, I'll call it a detached garage connected with a breezeway and then a covered, uh, outdoor porch area, um, for an outdoor kitchen. Um, with all the accessory structures, the proposed, the, the garage and the storage space above plus the new outdoor covered patio and the, the, um, existing garage, um, they'll be over the allowed accessory structures by, I think, what's 105%. Um, but based on the, the lot size and how it, I guess, it looks with the surroundings, staff is in favor of the request and I'm happy to answer any other questions you may have.
- Mundy Any questions for staff?
- Postlethwait I'm curious – have you seen, uh, I'm sorry.
- Mundy Go ahead.
- Postlethwait Have you seen this type of, um, addition done in Colony Woods, um, with this, this much of a over, overshoot of what's permitted in the past?
- Baker I haven't seen any, uh, recent as far as coming to the BZA. Um, I know that there are, I'm sure, have been additions in Colony Woods –
- Postlethwait Right.
- Baker For garages that have just gone straight to permitting –
- Postlethwait Yes.
- Baker Um, but I know it's, it's a frequent request throughout the Town for more, um, storage and garage space.
- Postlethwait Right.
- Lake What, what on their site is considered accessory square footage?
- Baker So, in general, accessory square, I'll pull it up, but in general accessory square footage would count attached structures as well so their garage would count, um, if you had any, um, covered porches that would also count as accessory structures.
- Lake What about pools, pool decks?
- Baker Pools don't cover –

- Lake That does not? That just contributes to lot coverage?
- Baker Yes, anything that's covered, um, so –
- Lake Because I don't feel like from a scale standpoint it's as excessive as it sounds but I feel like there's other contributing structures that we may not think of in our head as accessory structures but it's adding on, it's not just the garage. It's other stuff adding on to that. That's where I'm having trouble kind of parsing out in my head is all that. I think it's also challenging and Mr. Andreoli you don't need to get up here but just in the future when you have a site plan at this scale that is existing and want it a completely different scale that is new it makes it really hard for us to understand exactly how much space that's taking up on the overall site. So I kind of had to draw mine in myself, um, it's just as we're trying to understand sense of scale, um, that may be just a good recommendation in the future for your petitioners.
- Andreoli That's, that's a good suggestion Mr. Lake and we'll certainly take, uh, take note of that. Uh, obviously, our goal is to try to provide you with as much information as we can to make informed decisions and so I know we had, uh, we had the construction plans that we had also, uh, submitted but to, to have it laid out appropriately on a site plan I think it makes your job a little bit more easier if we do it correctly, so. Take, we'll take note of that for sure.
- Lake It just makes it a little easier.
- Mundy And it's not just the architects that notice that. I spent several minutes trying to figure out what is, why does this not look right –
- Lake Yeah.
- Mundy And the scale is, is considerably different when you look at the present and proposed. So, uh –
- Jones For those of us who on a regular basis have to try to figure out just what the heck the architects are trying to tell us, I didn't have any problem. Um, I think it is worth pointing out though that's a fairly large lot compared to the size of the house.
- Lake Yeah.
- Jones It's actually a smaller home for that size but they've also got a pipeline easement running through it which, you know, so.
- Mundy It is a very large lot. I, I didn't realize there's a pipeline easement –
- Postlethwait Right.
- Mundy But I, I thought there was a vacant lot, uh, next to it but it's, that's not the case.
- Postlethwait Which probably explains the lot size.

Jones Yeah.

Lake I think the other challenge is when you count that square footage, you're counting both floors of the garage, correct?

Baker Yes.

Lake So it's not the footprint. Like the footprint if it were just one story, the footprint would make it allowable. That second story, I think if, if I would not calculate it that way if it were my decision to do so, um, only because it, you don't notice that there's 2,000 square foot of accessory structure, it looks like there's only 1,000 because it's the footprint compared to the, the primary building, so.

Postlethwait And is it my understanding that, that, the, the new garage will only have storage? It's not going to have an office or something on the second floor, it's purely storage is the intention, right?

Andreoli [inaudible, off microphone, 1:09:05] you want to come on up and answer that?

Postlethwait Nodding.

Lake Yeah, I think the bigger concern that we tend to have from time to time is, it's not being outfitted to be a residence.

Postlethwait Right.

Jones Yeah.

Lake Up above.

Postlethwait It's not going to have a kitchen or, um, bedroom or –

Revercomb Hi, I'm Jess Revercomb with R&G Home Improvements, uh, my home address is 9019 East 100 North, Whitestown, Indiana 46075. Uh, yeah above the garage is just simply storage only.

Postlethwait And there'll be no, no bathroom, no sanitary services or anything, uh, that will be in that structure?

Revercomb No.

Jones Whether they have a bath –

Lake On the ground floor there's a half bath.

Pickell Yes.

Andreoli Yeah.

Pickell But not at the upstairs.

Postlethwait Not the patio.

Lake That's probably to service the pool?

Andreoli We discussed that if, had they sought to make an improvement there that would've had to increase our request for the variances that would be needed because it's part of the accessory structure. So, uh, uh, given, given the limits that we had to work with we decided that that would not be prudent. Of course, we'd rather stick to the minimum that we need and not ask for things that we really don't need.

Lake Okay.

Revercomb Also something mentioned about the, some of the other garages in that subdivision. I'm real familiar with that area and there are, there's several of them. And when, uh, Jim was interested, he's like hey we can look at this one I think it's kind of across the street. It's done the same way this one. But you're right, I mean, Jim's house is, it's small so it's, it's kind of odd with the, with the site plan.

Andreoli There's a lot of land in back of them with the, the parcel of 3/4 acre –

Revercomb Yeah.

Andreoli All the way to, uh, Mulberry. He's got an extensive amount of ground in the back before he gets in the right-of-way with Mulberry. So it's a fairly large lot compared to the fact that the original built house in 1977 was fairly small by, by conventional standards.

Mundy Any further questions? Is there a motion for this petition?

Lake I move that Docket Number 2022-34-DSV, Development Standards Variance to provide for a deviation of the accessory structure square footage for an increase of 1,304 square feet totalling 2,464 in accessory structures for the construction of a two-story, two-car garage and covered porch at 1115 Williamsburg Lane, Zionsville in the Urban Single-Family Residential District (R-SF-3) be approved as filed based upon the Findings of Fact and substantial compliance with the submitted site plans and concepts.

Mundy Thank you Mr. Lake. Is there a second?

Postlethwait Second.

Mundy Thank you Mrs. Postlethwait. All in favor please say aye.

All Aye.

Mundy Opposed same sign.
[No response]

Motion passes.

That brings us to the end of the docket.

Lake Any other business?

Mundy Is there any other business?

Lake I move to adjourn.

Mundy Thank you Mr. Lake.

Pickell Second.

Mundy Thank you Mr. Pickell. All in favor say aye.

All Aye.

Mundy We are adjourned.